



June 27, 2019

Regional Freedom of Information Officer  
U.S. EPA, Region 1 (OARM01-6)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
(617) 918-1102

**Re: Freedom of Information Act Request**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, and section 104(e)(7)(A) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e)(7)(A),<sup>1</sup> I am requesting copies and/or access to records held at EPA's Region 1 office. Records of interest include responses to requests filed under section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund) and other documents created by and/or submitted to the EPA during Superfund investigations and any resulting litigation and settlements.

Specifically, I am requesting release and/or access to a number of specific documents and types of documents held at Region 1 concerning parties involved in the Western Sand & Gravel Superfund Site in Burrillville, Rhode Island

(<https://cumulis.epa.gov/supercpad/CurSites/csitinfo.cfm?id=0101233&msspp=med>).

*Companies of Interest*

The specific companies of interest for this site are listed below, though please also check for the additional names (either successors, predecessors, or associated companies) under which the companies of interest may be listed in the files:

- Philip A. Hunt Chemical Corporation
  - Progress Chemical Company
  - Wayland Chemical Company
  - Olin Corporation
  - Olin Hunt Specialty Products Inc.
- Ciba-Geigy Corporation
  - Alrose Chemical Company
  - Geigy Chemical Company (or Corporation)
  - BASF Corporation

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<sup>1</sup> The relevant statutory text provides that: "Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, [except for trade secrecy claims]. Trade secrecy claims are restricted by section 104(e)(7)(F).

### Requested Documents

We request 104(e) responses for the companies listed above as well as any other materials submitted by these parties including, but not limited to: state waste manifests from 1978 and 1979, documentation of waste composition, and the extent to which these wastes included drummed wastes. The requested documents include shipping documents and other documents discussing the composition of the wastes disposed and the processes which created these wastes.

We also request responses concerning the companies listed above filed under other federal statutes such as the Toxic Substances Control Act (TSCA) or the Resource Conservation and Recovery Act (RCRA), sometimes used by EPA in the late 1970s and early 1980s to assist in Superfund site investigations.

We also request a full list of other companies that submitted 104(e) responses related to this site.

### Site Background Information

Our understanding is that this site was settled in a consent decree to which Philip A Hunt Chemical Corporation (Olin) and Ciba-Geigy Corporation were settling parties through a decree entered in 1986. Some of this waste was sent directly from these parties' locations in Rhode Island. We understand that there was also transshipment of waste to this location from Cannon Engineering in Massachusetts. Shipments were made here by the Capuano Brothers, who were also shipping materials to the Picillo Farm and Davis Liquid Superfund sites.

### Request Information

History Associates requests the release of the above materials pursuant to FOIA and pursuant to section 104(e)(7)(A) of CERCLA. To the extent EPA decides to withhold any document(s), we ask that all reasonably segregable factual portions of these documents be released, consistent with FOIA practice. We also ask that if any materials are withheld or redacted, we be provided an index showing the basis under FOIA for each such redaction or withholding. We also note that most materials submitted to EPA under section 104(e) of CERCLA are required to be made available to the public, and that claims of trade secrecy are severely limited by section 104(e)(7).

History Associates agrees to pay all reasonable and standard processing fees authorized by 5 U.S.C. 552(a)(4)(A) and the applicable regulations up to \$250. Should the fees exceed this amount, please call me with an estimate of the total costs in order that specific expenditures beyond \$250 can be authorized.

Should you have any questions or concerns regarding this request, please contact me at (301) 279-9697 or via email at [hbergen@historyassociates.com](mailto:hbergen@historyassociates.com).

Sincerely,

Hilary Bergen